



Mr Ewan Campbell
Planning Solutions Team
London Borough of Camden 2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London
WC1H 9JE

29th April 2022

Ref. SP21 - 1066

Dear Mr Ewan Campbell,

Residential Extension, Application Reference 2022/0731/P - Newmount, Flat 10 11 Lyndhurst Terrace, London, Camden NW3 5QA

On behalf of our client, Newmount Management Ltd, Simply Planning wish to object to the proposed development at 11 Newmount, Flat 10 Lyndhurst Terrace, London, Camden which has been provided with the application reference 2022/0731/P. The full description of development is as follows:

“Erection of a roof top extension with glazed windows. Existing core and sun room re-clad and new window.”

Our clients represent a residents group formed by the 10 flat owners contained within Newmount, 11 Lyndhurst Terrace, which is the residential apartment block located directly to the north of the application site. Whilst this application is made by the owner of the penthouse flat, the other 9 flat owners within the property have reviewed the proposals and have significant concerns in relation to the proposed development, as the proposed works will have a detrimental impact upon the character and appearance of the area, especially upon the Fitzjohns/Netherhall Conservation Area.

We are aware that the applicant benefits from an extant planning permission for a similar development, which has been confirmed as being implemented under the Lawful Development Certificate approved under application reference 2021/0138/P. However, the size of the sunroom under the extant consent is significantly smaller in footprint being proposed under the current application and will also be closer to the edges of the roof slope. Therefore, the fallback position, whilst material, is not sufficient justification for the proposed development.

Impact to the Conservation Area

The NPPF sets out how the historic environment should be enhanced and conserved in Section 16. The NPPF notes that heritage assets are *“an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”*.

Paragraphs 194 and 195 of the NPPF concern proposals which affect heritage assets, and are worded as follows:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted

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and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

The NPPF also sets out guidance on how the potential impacts to a heritage asset should be considered. Paragraphs 199, 200 and 202 state the following:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

Local policy also concerns the conservation and enhancement of heritage assets, including conservation areas. Policy D2 (Heritage) of the Camden Local Plan states the following:

"The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated Heritage Asset

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation Areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*

g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and

h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden’s architectural heritage.”

The application site is located within the Fitzjohns/Netherhall Conservation Area, which is a designated heritage asset that should be conserved and enhanced in accordance with National and Local policy.

As stated within the NPPF, heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 194 of the NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. Whilst the Design and Access Statement which accompanies the planning application notes that the application site is within the Fitzjohns/Netherhall Conservation Area, there is no attempt to describe the significance of the Conservation Area, nor is there any assessment of the impact of the proposed development on the Conservation Area.

The Fitzjohns/Netherhall Conservation Area Statement provides context to understand the significance of the character and appearance of the Conservation Area. The Conservation Area Statement outlines that the original

“boundary walls are distinctive, using particular materials and details to echo the architecture behind. Although the walls and their special details vary from street to street, and in some streets from house to house, the palette of details repeated details and underlying design conventions give a remarkable consistency”.

The Design and Access Statement for the application proposes a *“lightweight all-glazed structure”*. There are no ‘all-glazed’ structures within the near area and they are not a feature within the Conservation Area. As the Conservation Area Statement contends, though the walls and their details are distinctive, the palette of details and underlying design conventions are consistent, which clearly an all-glazed structure would not be.

In addition, the tiered feature, where a flat roof is set back from the edge of a below flat roof, which in turn is also set back from the edge of the below flat roof, is completely different to any other roof style within the Conservation Area. The Conservation Area Statement informs that roofs *“are an important and conspicuous element, a development of mid-late Victorian architecture that dominates the profile of the skyline”*. The below images, taken from Google Earth, show the view of the property from ground level:



Images from Google Earth of 11 Lyndhurst Terrace



Whilst it is accepted that the existing roof of the property is incongruous with its surroundings, the proposed works will emphasise this incongruous nature, increasing its size, bulk and visibility, which will cause the property to become more dominant in the street scene and will detract from the mid-late Victorian architecture which is prevalent throughout the street. The existing sun room is of a reasonable size and appropriately set back so that it is not easily visible from ground level, whilst the increased size of the proposed development will make it visible from all directions. The proposed massing and bulk of the building will also cause it to be situated higher than 13 Lyndhurst Terrace to the north and 7 Lyndhurst Terrace to the south, which are excellent examples of the mid-late Victorian architecture referred to within the Conservation Area Statement.

The proposed development would be significantly higher than the recently approved 3-storey development at 9 Lyndhurst Terrace, which is significantly stepped down from the application site due to the slope of the street. The proposed increase in prominence of the building on the street scene would cause Newmount to be one of the feature properties on the western side of Lyndhurst Terrace, despite the building's incongruity with the wider Conservation Area.

Conclusion

In conclusion, for the reasons outlined above, we consider that the proposed development would fail to preserve or enhance the character and appearance of the Conservation Area. The applicants have not described the significance of the Conservation Area, nor have they offered any information sufficient to assess the impact of the development to the heritage asset, as such the scheme is contrary to paragraph 194 of the NPPF.

Having assessed the schemes design, it is clear that the proposed development fails to conserve and enhance the character and appearance of the Fitzjohns/Netherhall Conservation Area, by virtue of introducing incongruous architecture into the street scene. The bulk of the development is also significantly larger than existing, more akin to a new dwelling than an extension, which greatly increases the prominence of the building within the street scene and becoming overbearing on the smaller mid-late Victorian buildings located to the north and south of the application site, as well as recently permitted three storey development adjoining the site. For these reasons, the proposed development is contrary to Policies D1 & D2 of the Local Plan.

No justification, clear and convincing or otherwise, has been submitted for the harm to the Conservation Area, as required by paragraph 200 of the NPPF. Furthermore, there are no public benefits which would outweigh the harm arising to the Conservation Area and so the proposals are contrary to Paragraph 202 of the NPPF.

Section 38(6) of The Planning and Compulsory Purchase Act (2004), states that planning applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise. The proposed development is contrary to the Development Plan for the reasons outline above and we consider that there are no material considerations that indicate that the application should be determined contrary to the development plan.

Therefore, we respectfully suggest that the planning application should be refused. We would welcome a response from the Case Officer on the above comments in advance of the determination of the application and I shall contact them directly, once the response has been registered.



Yours sincerely,



Alex Smith

Director

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